IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 9663 of 1994

Between:
M/s.Ganesh Processing Industries Rep by Managing Partner J.C.Agarwal. S/o.Late L.C.Agarwal, 2-2-105 to 108/A/11 , Chambers , Ranigunj Secunderabad

..... PETITIONER

AND

1 Union of India Rep by its Secretary, Ministry of Finance New Delhi.
2 The Collector, Central Excise , Basheerbagh , Hyderabad.
3 Asst.Collector, Division-I , Central Excise C.L.S.Buildings , Nampally station Road, Abids , Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction, particularly one in the nature of Mandamus declaring Para 3 read with Explanation II of notification 1/93 CE Dt: 28-2-1993 and order no.TS/36/94-TRU Dt: 1-3-1994 as arbitrary , discriminatory , on the ground of non-inclusion/under inclusion of cases of clearances by Modvat which are otherwise exempted for the purpose of arriving the aggregate vale and consequently direct the revenue to permit the petitioner to avail exemption notification 1/93 CE Dt: 28-2-1993 and also the deemed credit and to pass such other order or orders.

For the Petitioner:DR.P.B.VIJAY KUMAR, Advocate.

For the Respondents : MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court Made the Following :

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ORDER : (Per Sri Bilal Nazki, J).

On last occasion nobody appeared when the matter was called, therefore it was ordered to be posted today for dismissal. Today also none appeared. Hence, the Writ Petition is dismissed for non-appearance and non-prosecution. No costs.

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(BILAL NAZKI, J)

5th July, 2004.

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(P.S.NARAYANA,J)

ajr.

To

1 The Secretary, Ministry of Finance, Union of India, New Delhi.
2 The Collector, Central Excise , Basheerbagh , Hyderabad.
3 Asst.Collector, Division-I , Central Excise C.L.S.Buildings ,

Nampally
Station Road, Abids , Hyderabad.
4 Two C.D. copies.